

Remarks:

Claims 15-25 remain for consideration in this application with claim 15 being in independent format. In view of the claims as they now stand, together with the remarks hereunder, the rejections of the November 23, 2005 office action must respectfully be traversed.

In reviewing the original disclosure, a minor error was found in the Chem Draw representation of the right hand structural formula in paragraph 0011. That structural formula has been corrected by the amendment to paragraph 0011 of the description. The amendment is supported by the reactant definitions for the first reactant provided in paragraph 0029 of the specification and in the claims as originally filed. This same amendment appears in claim 15 and Applicants respectfully request that this amendment be entered.

The claims were rejected under Section 112, first and second paragraphs, based upon the use of the term "in intimate contact." Applicants note that this specific language does appear in the present specification at paragraph 0023 of the corresponding published application. Therefore, withdrawal of the Section 112, paragraph 1 reject is appropriate. However, in order to further clarify the claimed subject matter, the claims now simply recite that the fertilizer and polymer are "in contact." There can be no question about the scope of this recitation, and thus all Section 112 issues have been resolved.

The only presently pertinent art rejections lodged in the last action were based upon the Jensen, et al. patent. This reference is inapposite. Jensen describes a method of coating an active core using a phase separation technique. Jensen first coats the core material (which may be a fertilizer) with a lipid layer. Thereupon, a polymer may be applied to the initial lipid layer.

According to Jensen, the use of an inner lipid layer is essential to his phase separation technique. Stated otherwise, Jensen cannot create a coating using a polymer without first pre-coating the active core with a lipid layer. Thus, in no way does Jensen teach or suggest a situation where a polymer of the type defined in the present claims is applied to fertilizer so that the fertilizer and polymer are in contact with each other. In fact, Jensen specifically teaches away from direct fertilizer-polymer contact.

This distinctive feature is clearly set forth in the amended claims. Claim 15, as amended, clearly recites that the polymer is in contact with the fertilizer. There is no question that this language is fully supported in the specification; Example 18 describes a situation where the polymer is "applied" to fertilizer, and the recitation in the specification of "in intimate contact" of course embraces the claimed term "contact." Thus, the teachings of the Jensen reference are fully distinguished in the instant claims.

Moreover, as previously explained, the presently claimed polymers are substantially water-soluble. Jensen, on the other hand, makes use of coatings which are hydrophilic but not dissolved by water (col. 2, ll. 13-19). Again, Jensen teaches away from the presently claimed methods.

Claims 15-25 were rejected under 35 U.S.C. 103(a) as being obvious over Sanders et al. (US 6,596,831 or US 6,525,155). Attached hereto are Declarations from the Vice-President of Specialty Fertilizer Products, LLC and John L. Sanders, co-owners of both Sanders patents and also of the instant application. These Declarations establish that the subject matter of the '831 and '155 patents and the presently claimed invention were, at the time the invention was made, owned by the same

entities or subject to an obligation of assignment to the same entities, and that the inventor of the present invention is a prior inventor under 35 U.S.C. 104. A Terminal Disclaimer is also attached as required by 37 C.F.R. 1.130(a) and 1.321(c). Therefore, this rejection has been overcome.

Sanders et al. (US 6,525,155 and US 6,518,382) was also used as a basis for a double-patenting rejection. The '155 and '382 patents are commonly owned with the present application, and Applicants have attached a Terminal Disclaimer executed by the agent which overcomes this rejection. Accordingly, the Sanders references are not a bar to the patentability of the present invention.

Claims 15-25 were provisionally rejected under double-patenting as being unpatentable over copending Application Nos. 10/708,653 and 10/708,614. Because these are provisional rejections, Applicants will respond should either application mature into a patent and become the basis for an actual rejection on the same ground. In such case, Applicants will take appropriate action at such time as required by the rejection.

Any additional fee which is due in connection with this amendment should be applied against our Deposit Account No. 19-0522.

In view of the foregoing, a Notice of Allowance appears to be in order and such is courteously solicited.

Respectfully submitted,

By



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